

# The Guideliner

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## MSGC is going virtual!

Starting this month, we will be offering training via webinar. This format will make it easier than ever to stay up to date on the Guidelines. Our first sessions will be:

- ✚ August 16 – 11:30 to noon
- ✚ August 18 – 11:30 to noon
- ✚ August 19 – 11:30 to noon

Join us for one of these three webinars for an update on the 2011 Guidelines, and a change to practice the process. Watch your e-mail this week for registration information.

## **“DATA: *Facts and statistics collected together for reference or analysis.*”**

The average amount of jail time pronounced as a condition of probation has remained largely constant in the past five years.

2009: 107 days  
2008: 109 days  
2007: 119 days  
2006: 110 days  
2005: 110 days

*This and other data can be found on our website at [www.msgc.state.mn.us](http://www.msgc.state.mn.us). Click on the reports and Forms tab and follow the link to the Sentencing Practices Data Reports and choose from over 10 different reports.*

## Out-of-State Offenses *Keeping your head in Minnesota*

When trying to equate out-of-state offenses with a Minnesota equivalent, there are no special tricks involved; the out-of-state prior must follow *all* of the policies in the guidelines to be used in criminal history, just like a prior offense from Minnesota would.



The Legal Information Institute, housed at Cornell University Law School, provides links on its website to state statute resources across the country: <http://www.law.cornell.edu/states/listing.html>. In addition, using a search engine such as Google or Yahoo will assist you in finding the particular state's Legislature or Revisor of Statutes website. Accessing other states' statutes is the best way to gain information about an offense in order to equate it to a Minnesota felony.

The 2011 *Sentencing Guidelines*, sentencing grids, and supplemental materials are now available on our website at [www.msgc.state.mn.us](http://www.msgc.state.mn.us).

### Tip Box: Mandatory Minimums vs. Grid Sentence

- The disposition for an offense with a mandatory minimum sentence of at least 1 year + 1 day is a presumptive commit.
- The sentence duration pronounced by the court should always be the mandatory minimum duration or the grid time, whichever is greater.
- If the mandatory minimum sentence is less than 1 year + 1 day, it is presumed to be local time.

*Example:* a 5<sup>th</sup> degree controlled substance possession offense that is a subsequent per Minn. Stat. §152.025, subd. 2(b)(1), carries a 6-month mandatory minimum jail sentence.

Information on mandatory minimums can be found in the 2011 *Minnesota Sentencing Guidelines and Commentary*, Sections 2.E.

Also, a mandatory sentences reference table can be found on page 87 of the 2011 guidelines book, as well as on the MSGC website under the Education & Training link on the tip sheets entitled “Mandatory and Presumptive Prison Sentences.”

### Did you know?



- ✓ The severity level used to assign weights to prior offenses is based on the severity level ranking in effect at the time the current offense is committed. (2011 *Minnesota Sentencing Guidelines and Commentary*, Section 2.B.1)
- ✓ Offenses used to enhance a prior offense can be included in future criminal history, but offenses used to enhance a prior DWI cannot. (2011 *Minnesota Sentencing Guidelines and Commentary*, Section 2.B.6)
- ✓ An offender will still receive a custody status point if the current offense was committed within the period of the initial probationary sentence, even if the offender was discharged early. (2011 *Minnesota Sentencing Guidelines and Commentary*, Section 2.B.2)

Have a topic you'd like *The Guideliner* to cover? E-mail your suggestions to Linda at [linda.mcbrayer@state.mn.us](mailto:linda.mcbrayer@state.mn.us).